Supreme Court, U. S.
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No. 78-223

Supreme Court of the United States

October Term, 1978

NATIONAL LABOR RELATIONS BOARD,

Petitioner,

v.

BAPTIST HOSPITAL, INC.

On Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit

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MOTION TO INTERVENE

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Local 150-T, Service Employees International Union, AFL-CIO (hereinafter the "Union"), respectfully moves to intervene in this case on the side of the petitioner, National Labor Relations Board. In support of this motion the Union states as follows:

1. This aspect of the instant case is in every relevant particular identical to *Beth Israel Hospital* v. *NLRB*, No. 77-152.

Here as there the question presented is whether the Board properly concluded that a hospital violated § 8(a)(1) of the National Labor Relations Act by issuing and maintaining a rule that broadly prohibits employees from soliciting union support in the hospital. And, here as there, the Union as the charging party raised that question before the Board; when the Board, consistent with its uniform deci-

ions, found the violation charged, the Union believing this to be a routine case did not exercise its right to intervene in the court below; and, this Court's grant of certiorari establishes that the Union's assessment of the case was in that regard erroneous. The Union therefore seeks this opportunity to defend, as a party, its interests here.

2. An identical motion to intervene was granted over the employer's opposition in *Beth Israel.* 425 U.S. 940 (March 27, 1978). See also *NLRB* v. *Acme Industrial Co.,* 384 U.S. 925 (subsequently decided at 385 U.S. 421); *Banks* v. *Chicago Grain Trimmers,* 389 U.S. 813 (subsequently decided at 390 U.S. 459).

CONCLUSION

For the foregoing reasons this motion should be granted.

Respectfully submitted,

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